

WESTERN DIVISION
No. 5:07-CR-324-D
No. 5:14-CV-163-D
No. 5:15-CV-397-D

ORDER

On July 30, 2014, this court dismissed Taylor's first motion under 28 U.S.C. § 2255 and denied a certificate of appealability [D.E. 93]. On November 21, 2014, the Fourth Circuit denied a certificate of appealability and dismissed Taylor's appeal. See United States v. Taylor, 585 F. App'x 234, 234 (4th Cir. 2014) (per curiam) (unpublished).

On August 17, 2015, October 13, 2015, February 22, 2016, and February 29, 2016, Taylor filed additional motions under 28 U.S.C. § 2255. See [D.E. 102, 105, 107, 108]. On April 20, 2016, the government moved to dismiss the motions for lack of jurisdiction, claiming that the motions are successive [D.E. 110] and filing a supporting memorandum [D.E. 111]. On May 6, 2016, Taylor responded [D.E. 113].

Before filing a second or successive application for habeas relief in the district court, an applicant “shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A); see id. § 2255(h); Magwood v. Patterson, 561 U.S. 320, 330–31 (2010). This court lacks jurisdiction to review Taylor’s latest section 2255 motions unless the Fourth Circuit authorizes review. See 28 U.S.C. § 2244(b)(3)(A); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); United States v. MacDonald, 641 F.3d 596, 603–04 (4th Cir. 2011); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003). Taylor failed to obtain authorization from the Fourth Circuit. Thus, this court lacks jurisdiction to consider his motions.

In sum, the court GRANTS the government’s motion to dismiss [D.E. 110], DISMISSES as successive Taylor’s section 2255 motions [D.E. 102, 105, 107, 108], and DENIES a certificate of appealability. See, e.g., 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Winestock, 340 F.3d at 206–07.

SO ORDERED. This 11 day of May 2016.


JAMES C. DEVER III
Chief United States District Judge